

OCT 18 2005

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL RAY GRANT,

Defendant - Appellant.

No. 05-10069

D.C. No. CR-03-00934-PGR

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
Paul G. Rosenblatt, District Judge, Presiding

Submitted October 11, 2005^{**}

Before: NELSON, T.G., WARDLAW, and TALLMAN, Circuit Judges.

Michael Ray Grant appeals the sentence imposed following his guilty-plea conviction for being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2). We dismiss the appeal.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Despite his knowing and unequivocal waiver of his right to appeal, Grant contends that the waiver should be excused because his sentence was imposed under mandatory sentencing guidelines declared unconstitutional by the Supreme Court's remedial opinion in *United States v. Booker*, 125 S. Ct. 738 (2005). This claim is foreclosed by *United States v. Cortez-Arias*, 403 F.3d 1111, 1114 n.8 (9th Cir. 2005), as amended No. 04-10184, 2005 WL 2401877, at *1 (9th Cir. Sept. 30, 2005) (holding that "a favorable change in the law does not entitle a defendant to renege on a knowing and voluntary guilty plea").

DISMISSED.